

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

EMG TECHNOLOGY, LLC,

Plaintiff,

v.

APPLE, INC.,
AMERICAN AIRLINES, INC.,
BLOOMBERG, L.P., CONTINENTAL
AIRLINES, INC.,

Defendants.

CASE NO. **6:08-cv-447**

JURY TRIAL DEMANDED

**EMG'S NOTICE OF VOLUNTARY DISMISSAL, WITHOUT PREJUDICE,
OF THE WEATHER CHANNEL**

Pursuant to Federal Rule of Civil Procedure rule 41(a)(1)(A)(i), Plaintiff EMG Technology, LLC (“EMG”) submits this notice of voluntary dismissal, without prejudice, of Defendant, The Weather Channel, which has neither been served, answered, nor filed a motion for summary judgment in this action.

Pursuant to Rule 41(a), no order from this Court is necessary to effect this voluntary dismissal.

DATED: January 12, 2009

Respectfully Submitted,

OF COUNSEL:

Jeffer, Mangels, Butler and Marmaro, LLP

Stanley M. Gibson
(Cal. Bar No. 162329)
smg@jmbm.com

Brian W. Kasell
(Cal. Bar No. 143776)
bwk@jmbm.com

Joshua S. Hodas, Ph.D.
(Cal. Bar No. 250812)
jsh@jmbm.com

By: *Charles Ainsworth*
Charles Ainsworth
State Bar No. 00783521
Robert Christopher Bunt
State Bar No. 00787165
PARKER, BUNT & AINSWORTH, P.C.
100 E. Ferguson, Suite 1114
Tyler, TX 75702
903/531-3535
903/533-9687
E-mail: *charley@pbatyler.com*
E-mail: *rcbunt@pbatyler.com*

1900 Avenue of the Stars, Seventh Floor
Los Angeles, CA 90067
Telephone: (310) 203-8080
Facsimile: (310) 203-0567

Manatt, Phelps & Phillips, LLP

Robert D. Becker
(Cal. Bar No. 160648)
rbecker@manatt.com

1001 Page Mill Road, Building 2
Palo Alto, CA 94304
Telephone: (650) 812-1300
Facsimile: (650) 213-0260

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record, who are deemed to have consented to electronic service are being served this 12TH day of January, 2009, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Charles Ainsworth
CHARLES AINSWORTH